

Remarks

For the Drawings:

Applicant originally submitted informal drawings.

Computer generated formal drawings, each of which are labeled "Replacement Sheet," are being submitted in an Appendix. No amendments to the drawings have been made.

For the Claims:

Applicants submitted claims 1-20. This Office Action rejects claims 1-10, 17, 19, and 20, objects to claim 18 as being dependent upon a rejected base claim, and allows claims 11-16. Applicants amend claims 1 and 17, cancel claim 18, and retain claims 2-16 and 19-20 as originally submitted. Applicants respectfully request reconsideration in view of the amendments to the claims and the following remarks.

This Office Action rejects claims 1-10, 17, and 19-20 under 35 U.S.C. 101 as allegedly being directed to non-statutory subject matter. In particular, the Office Action alleges that claims 1 and 17 are directed to a judicial exception, namely, a data manipulation or abstract idea. The Office Action further alleges that there are no practical applications claimed, i.e., no physical transformation taken place, nor a useful, concrete and tangible result.

Independent claim 1 is being amended to include the limitation of "establishing transmission of said second transmit signal over said one wireless channel when said transmission attempt is successful." Support for this feature can be found in

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Applicants' specification on page 21, paragraph [0071]. Applicants believe that modification to claim 1 to incorporate the practical application of establishing transmission of the second transmit signal when the transmission attempt is successful yields a claimed invention that produces a concrete and tangible result. Accordingly, Applicants believe the rejection of claim 1 and its dependent claims 2-10 under 35 U.S.C. §101 has been overcome.

Independent claim 17 is being amended to include the limitation of objected to claim 18. Accordingly, claim 18 is being canceled. Applicants believe that the modification to claim 17 to incorporate the objected to features of claim 18 yields a claimed invention that produces a concrete and tangible result. Accordingly, Applicants believe the rejection of claim 17 and its dependent claims 19-20 under 35 U.S.C. §101 has been overcome.

For the reasons set forth above, Applicants respectfully request withdrawal of the rejection of claims 1-10, 17, and 19-20 under 35 U.S.C. §101. Since no prior art is being cited in this Office Action, Applicants believe claims 1-17 and 19-20 should now be found allowable.

Accordingly, this Amendment cancels claim 18, and amends claims 1 and 17. Currently amended claims 1 and 17 remain in the application and are believed to be allowable. In addition, claims 2-10 and 19-20 remain in the application as originally submitted and are believed to be allowable, and previously allowed claims 11-16 remain in the application as originally filed.

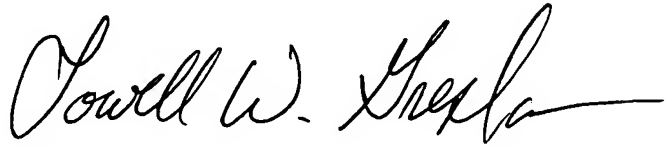
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Applicants believe that the foregoing amendments and remarks are fully responsive to the rejections recited in the 20 April 2007 Office Action and that the present application is now in a condition for allowance. Accordingly, reconsideration of the present application is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, reading "Lowell W. Gresham", written over a horizontal line.

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APPENDIX A

This Appendix contains 6 drawing sheets containing a clean copy of each of replacement sheets for Figures 1-6.